MINUTES OF THE REGULAR MEETING OF THE EDINA CITY COUNCIL HELD AT CITY HALL FEBRUARY 20, 2007 7:00 P.M.

ROLLCALL Answering rollcall were Members Bennett, Housh, Masica, Swenson, and Chair Hovland.

<u>CONSENT AGENDA ITEMS APPROVED</u> Motion made by Member Bennett and seconded by Member Masica approving the Council Consent Agenda as presented with the exception of Agenda Item VII.C., Ground Lease - Cellular Equipment for Garden Park.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

*MINUTES OF THE REGULAR MEETING OF FEBRUARY 6, 2007, AND SPECIAL MEETING OF FEBRUARY 6, 2007, APPROVED Motion made by Member Bennett and seconded by Member Masica approving the Minutes of the Regular Meeting of February 6, 2007, and Special Meeting of February 6, 2007.

Motion carried on rollcall vote - five ayes.

RESOLUTION NO. 2007-31 APPROVING ROADWAY IMPROVEMENT NO. BA-336 - WEST 70TH STREET - FRANCE AVENUE TO YORK AVENUE Affidavits of Notice were presented approved and ordered placed on file.

Engineer Houle stated West 70th Street needed to be redone following redevelopment in the area. Mr. Houle said that installing three roundabouts on West 70th Street has been determined to be the best redesign for the area. He introduced Chuck Rickart of WSB & Associates, the consultant employed to design the proposed improvement.

Mr. Rickart, using graphics and a power point presentation reviewed the changes proposed for West 70th Street including decreasing from four to two lanes and installing three traffic roundabouts in detail. He explained the data reviewed to arrive at the proposed design of the improvement. Mr. Rickart explained the functionality and location of each roundabout. He noted the importance of improving traffic and pedestrian safety in the area, adding landscaping would be enhanced, but this was not part of his project design. Mr. Rickart said the proposed improvement would have an estimated cost of \$1,614,371.23 with funding coming from a combination of special assessments and Municipal State Aid funds.

Council discussion included the need for the improvement, traffic study in the area, design of the landscaping in conjunction with the promenade, pedestrian and bicycle safety improvements and timing of the project.

Public Comment

Transportation Commission Chair Les Wanninger testified in support of the proposed improvement.

Sharon Ming, 1103 Coventry Place, urged that pedestrian safety and comfort be taken into account with the proposed improvement.

Allen Menning, representing Brandon Square, expressed concern with the roundabout access and cost of the special assessments.

Max Segler, representing Brandon Square also expressed concern regarding special assessments for the project.

Member Swenson made a motion seconded by Member Housh to close the public hearing.

Ayes: Bennett, Housh, Masica, Swenson, Hovland Motion carried.

Member Swenson made a motion introducing Resolution No. 2007-31 receiving the feasibility report and ordering Improvement Project No. BA-336 West 70th Street, France Avenue to York Avenue. Member Masica seconded the motion.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2007-30 APPROVING CONDITIONAL USE PERMIT FOR CITY OF EDINA/EDINA FIRE DEPARTMENT - 6250 TRACY AVENUE Affidavits of Notice were presented approved and ordered placed on file.

Planning Director Teague briefly outlined the proposed demolition and reconstruction of the Edina Fire Station No. 1. He explained the redevelopment of the Fire Station located at 6250 Tracy Avenue would require a conditional use permit with the following variances: front yard setback variance from 50 to 17.9 feet for the front building entrance, side street setback from 50 to 23.5 feet, a driveway distance from an intersection setback variance from 50 to 26 feet for the front entrance; and a maximum drive width variance from 30 to 124 for the front entrance.

Mr. Teague reported the variance had been considered and approved by the Zoning Board of Appeals at their February 15, 2007, meeting. He added the Planning Commission at their January 31, 2007, meeting unanimously recommended the Council approve the requested conditional use permit and variances.

Fire Chief Scheerer explained the need for the wide access allowing emergency vehicles room to maneuver on site. He said plans for operations during construction were under consideration. Mr. Scheerer said the entire department was excited to begin this project.

Member Housh made a motion to close the public hearing seconded by Member Swenson.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Following discussion, Member Housh introduced Resolution No. 2007-30 approving the Conditional Use Permit for City of Edina/Edina Fire Department at 6250 Tracy Avenue.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

ORDINANCE NO. 2007-03 ADOPTED, AMENDING SECTION 850 OF EDINA CITY CODE REGARDING VARIANCE DENIALS Affidavits of Notice were presented approved and ordered placed on file.

Mr. Teague explained there have been cases where a resident had a variance denied by the Zoning Board of Appeals, which consists of rotating members, and they resubmitted the same application to a "different" board just weeks or days later. He said the proposed amendment would require an applicant not resubmit within twelve months of a denial unless new evidence or a change of circumstances warrant resubmission.

Member Masica made a motion, seconded by Member Housh to close the public hearing.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Member Masica made a motion to adopt Ordinance No. 2007-03, Amending Section 850 of Edina City Code Regarding Variance Denials with waiver of second reading. Member Bennett seconded the motion.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2007-29 APPROVING PRELIMINARY PLAT FOR HAUGLAND COMPANY - 5000 FRANCE AVENUE Affidavits of Notice were presented approved and ordered placed on file.

Mr. Teague explained Gene Haugland, developer, was proposing a preliminary plat for the final development approved at 50th and France by council in May of 2005. He explained the plat would create tracts for the various uses and elevations within the project. Mr. Teague said the plat would be similar to a townhome plat that occurs after a structure has been built so tracts can be accurately surveyed. He reported the Planning Commission, on January 31, 2007, unanimously recommended approval of the proposed preliminary plat. Mr. Teague suggested one condition be placed on the approval: the tracts for the elevators may not be sold to anyone other than Mr. Haugland or the Condominium Association or their successors.

Member Swenson made a motion to close the public hearing seconded by Member Bennett.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Gene Haugland, developer, answered questions of Council regarding exterior materials of the development.

Member Swenson introduced Resolution No. 2007-29 Approving Preliminary Plat for Haugland Company – 5000 France Avenue with the condition that the individual elevator tracts may only be sold to Gene Haugland, the Condominium Association or their successors. Member Housh seconded the motion.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2007-27 APPROVING 2007 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) AND RESOLUTION NO. 2007-28 APPROVED - REALLOCATION OF FUNDS FOR COMMUNITY DEVELOPMENT BLOCK GRANT Affidavits of Notice were presented approved and ordered placed on file.

Associate Planner Repya stated HUD was continuing to fund the Community Development Block Grant (CDBG) in 2007 at the same level as 2006 with an allocation of \$167,594. She added the Human Rights and Relations Commission have reviewed and made recommendations to the human services portion of the budget.

Ms. Repya said funding for public services may not exceed fifteen percent of the total budget. In 2007 Edina's public services may not exceed \$25,139. She noted requests for funding for the public services portion of the budget were received from the following organizations.

- Jewish Vocational Service (JVS) providing daycare subsidies to income eligible families;
- Senior Community Services (H.O.M.E. Housing and Outdoor Maintenance for the Elderly) – providing housekeeping and chore services to Edina seniors who pay for services on a sliding fee scale;
- Community Action for Suburban Hennepin (CASH) provide housing programs for low and moderate income homeowners and homebuyers; and
- HOME Line provide tenant advocacy services for Edina renters.

Ms Repya explained that after the distribution for public services the remaining \$142,455 would be directed toward community development projects. She said staff once again recommended funding the Rehabilitation of Private Property and the Scattered Site Affordable Housing programs. Ms. Repya noted these programs have successfully contributed to maintaining Edina's housing stock and providing affordable housing opportunities to Edina residents.

Ms. Repya said the Rehabilitation of Private Property programs provides deferred repayment loans of up to \$30,000 to make structural improvements to owner occupied single family homes. She added that staff believed the program would continue to attract income eligible homeowners interested in improving and maintaining their homes.

Ms. Repya said the Scattered Site Affordable Housing funds were proposed to be directed toward assisting developers and non-profit organization in the creation of affordable housing opportunities.

Ms. Repya outlined the recommended proposed budget as follows:

	Proposed <u>2007</u>
<u>Activity</u>	<u>Budget</u>
JVS- Daycare Subsidy	\$8,137
H.O.M.E Sr. Comm. Services	\$9,440
CASH	\$5,086
HOME Line	\$2,476
Rehabilitation of Private Property	\$55,755

Scattered Site Affordable Housing	g	\$80,000
City Staff Services	_	\$6,700
	TOTAL	\$167,594

In response to a question regarding the number of Edina families served with a day care subsidy, Ms. Repya explained Jewish Vocational Services had only recently taken over this service. She said in October Greater Minneapolis Day Care ceased to oversee the contract for Hennepin County and because of this transition she did not have figures on service. She added the second action requested of the Council was a reallocation of CDBG Funds from previous years that would allow Jewish Vocation Services to serve families with dollars from past grants.

Human Rights and Relations Commissioner Sharon Ming explained the subsidy has in the past subsidized between three and ten families during a year. Ms. Ming explained how the subsidy worked in Hennepin County.

Mary Gleason, from HOME Line answered Council questions and thanked the Council for their support.

Member Housh made a motion seconded by Member Swenson closing the public hearing.

Ayes: Bennett, Housh, Masica, Swenson, Hovland Motion carried.

Member Bennett made a motion approving the 2007 Community Development Block Grant Program as presented.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Member Swenson introduced Resolution No. 2007-28 Approving the Reallocation of Funds for the Community Development Block Grant. Member Masica seconded the motion.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

PUBLIC COMMENT No one from the public appeared to speak.

ORDINANCE NO. 2007-04 - APPROVED AMENDING SUBSECTION 460.03, SUBD. 1, CONSTRUCTION MAINTENANCE AND REPAIR AND SUBD. 14 - SIGNS AND ADDRESSES Mr. Hughes explained there have been instances where sign contractors, after receiving a sign permit, have installed freestanding signs without obtaining building permits. Building permits guarantee that safety requirements have been met and contractors have complied with the City Code. Mr. Hughes added the ordinance change clarified the Chief Building Official was responsible for assigning address numbers to all buildings. Steve Kirchman, Chief Building Official reiterated many contractors obtain a sign permit, and then build their sign without ever obtaining a building permit.

Following a brief discussion, Member Masica made a motion to adopt Ordinance No. 2007-04 Amending Subsection 460.03, Subd. 1, Construction Maintenance and Repair and Subd. 14, Address Signs with waiver of second reading. Member Swenson seconded the motion.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

*AWARD OF BID FOR 4 X 2 PICK-UP TRUCK - BRAEMAR GOLF COURSE Motion made by Member Bennett and seconded by Member Masica approving the award of bid for a 4 x 2 pickup truck for Braemar Golf Course to recommended sole bidder, Thane Hawkins Polar Chevrolet under State Contract Bid #436607 at \$16,857.89.

Motion carried on rollcall vote - five ayes.

*AWARD OF BID FOR 13 GOLF CARS - BRAEMAR GOLF COURSE Motion made by Member Bennett and seconded by Member Masica approving the award of bid for 13 golf cars for Braemar Golf Course to recommended low bidder, Versatile Vehicles, Inc., at \$27,700.00. Motion carried on rollcall vote - five ayes.

RENOVATION, CONTRACT No. ENG 07-2 Mr. Houle explained the project was part of the Capital Improvement Plan (CIP) work to maintain the City's infrastructure. Lift Station No. 6 was the largest sanitary sewer lift station in Edina and pumps an average of 3300 gallons per minute. The project includes replacement of the stairway system, upgrades to pumps, mechanical ventilation and piping and the electrical system. Mr. Houle added the CIP was identified with \$300,000 allocated for the project and explained the overrun was attributable to the increase in material costs such as copper wiring and a reinforced stairwell system. He recommended approval of the award of bid to the low bidder, Master Mechanical, Inc., at \$376,420.00.

Following Council questions about whether a rebid process would be of benefit and what geographic area was served by the station, Member Swenson made a motion approving the award of bid for Improvement No. LS-36, Contract No. ENG 07-2 for the 70th Street Lift Station Renovation to recommended low bidder, Master Mechanical, Inc. at \$376,420.00. Member Housh seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2007-26 APPROVED ACCEPTING VARIOUS DONATIONS Mayor Hovland explained in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations.

Member Masica introduced Resolution No. 2007-26 accepting various donations and moved its adoption. Member Bennett seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

*RESOLUTION NO 2007-32 SETTING HEARING DATE OF MARCH 20, 2007, FOR IMPROVEMENT NO. BA-340 - TODD PARK ROADWAY IMPROVEMENT Member Bennett introduced Resolution No. 2007-32, Setting Hearing Date of March 20, 2007, for Improvement

No. BA-340 - Todd Park Roadway Improvement, seconded by Member Masica and moved its adoption.

Motion carried on rollcall vote – five ayes.

GROUND LEASE FOR CELLULAR EQUIPMENT AT GARDEN PARK CONTINUED TO

MARCH 6, 2007 Member Swenson removed the ground lease for cellular equipment at Garden Park for further information. Mr. Hughes indicated T-Mobile Cellular requested permission to install ground equipment to power a cellular antenna mounted to the X-Cel Energy transmission tower bisecting Garden Park. A separate lease has been secured with X-Cel energy for use of their tower.

Following a Council discussion, Member Masica made a motion to continue the ground lease for cellular equipment at Garden Park to March 6, 2007, for further information concerning type of screening, size of structure, exterior materials and tax ramifications. Member Swenson seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

*GROUND LEASE FOR HIGHLANDS PARK CELLULAR EQUIPMENT CONTINUED TO MARCH 6, 2007 Member Bennett made a motion, seconded by Member Masica to continue the Ground Lease issue for Highlands Park Cellular Equipment to the regular meeting of March 6, 2007.

Motion carried on rollcall vote - five ayes.

<u>APPOINTMENTS MADE TO FILL VACANCIES ON VARIOUS BOARDS, COMMISSIONS, COMMITTEES</u> Mayor Hovland indicated after perusing numerous applications made by interested persons to fill vacancies on various Boards, Commissions and Committees his recommendations are as follows.

Mayor Hovland made a motion to appoint <u>WILLIAM MCCABE IV</u> to the <u>ART CENTER</u> <u>BOARD</u> for a term to February 1, 2010. Member Swenson seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Mayor Hovland made a motion appointing <u>ARLENE FORREST</u> and <u>JULIE RISSER</u> to the <u>PLANNING COMMISSION</u> for terms to February 1, 2010. Member Housh seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Mayor Hovland made a motion appointing <u>CONNIE FUKUDA</u> to the <u>HERITAGE</u> <u>PRESERVATION BOARD</u> for a term to February 1, 2010. Member Masica seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Mayor Hovland made a motion appointing <u>JEAN REHKAMP LARSON</u> to the <u>HERITAGE</u> <u>PRESERVATION BOARD</u> for a term to February 1, 2010. Member Bennett seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Mayor Hovland made a motion appointing <u>MICHAEL STOLEE</u> to the <u>HUMAN RIGHTS</u> <u>AND RELATIONS COMMISSION</u> for a term to February 1, 2010. Member Swenson seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Mayor Hovland made a motion appointing <u>JOANN MCGUIRE</u> to the <u>HUMAN RIGHTS AND</u> <u>RELATIONS COMMISSION</u> for a term to February 1, 2010. Member Housh seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Mayor Hovland made a motion appointing <u>HOWARD MERRIAM</u> to the <u>PARK BOARD</u> for a term to February 1, 2010. Member Bennett seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Mayor Hovland made a motion appointing <u>TIMOTHY J. RUDNICKI</u> to the <u>RECYCLING</u> <u>AND SOLID WASTE COMMISSION</u> for a term to February 1, 2010. Member Bennett seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Mayor Hovland made a motion appointing <u>RYAN CONVERSE WILSON</u> to the <u>RECYCLING AND SOLID WASTE COMMISSION</u> for a term to February 1, 2010. Member Masica seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Mayor Hovland made a motion appointing <u>GEOFF WORKINGER</u> to the <u>TRANSPORTATION COMMISSION</u> for a one year term to February 1, 2008. Member Masica seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Mayor Hovland reminded the Council that recently, a new Board of Appeal and Equalization was approved and said numerous applications have been received of interested persons to serve on this new Board.

Mayor Hovland made a motion appointing <u>JOHN S. HELLING</u>, to the <u>BOARD OF APPEAL</u> <u>AND EQUALIZATION</u> for a one year term to February 1, 2008. Member Swenson seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Mayor Hovland made a motion appointing <u>JEFFREY A. JOHNSON</u>, to the <u>BOARD OF APPEAL AND EQUALIZATION</u> for a one year term to February 1, 2008. Member Housh seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Mayor Hovland made a motion appointing <u>AMY JO WIMMER</u>, to the <u>BOARD OF APPEAL</u> <u>AND EQUALIZATION</u> for a one year term to February 1, 2008. Member Bennett seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Mayor Hovland made a motion appointing GORDON TUCHENHAGEN, to the BOARD OF APPEAL AND EQUALIZATION for a one year term to February 1, 2008. Member Masica seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Mayor Hovland made a motion appointing N. CRAIG JOHNSON to the <u>BOARD OF APPEAL</u> AND EQUALIZATION for a one year term to February 1, 2008. Member Swenson seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

*CONFIRMATION OF CLAIMS PAID Member Bennett made a motion and Member Masica seconded the motion approving payment of the following claims as shown in detail on the Check Register dated February 7, 2007, and consisting of 27 pages: General Fund \$152,643.37; CDBG Fund \$7,790.00; Communications Fund \$245.92; \$; Working Capital Fund \$455,808.24; Art Center Fund \$6,310.63; Golf Dome Fund \$1,798.45; Aquatic Center Fund \$359.57; Golf Course Fund \$6,551.85; Ice Arena Fund \$19,554.55; Edinborough/Centennial Lakes Fund \$22,021.35; Liquor Fund \$177,843.48; Utility Fund \$256,103.04; Storm Sewer Fund \$3,752.73; PSTF Fund \$6,619.64; TOTAL \$1,117,402.82; and for approval of payment of claims dated February 14, 2007, and consisting of 31 pages: General Fund \$474,565.68; Communications Fund \$5,539.00; Working Capital Fund \$58,742.80; Construction Fund \$5,687.12; Art Center Fund \$3,315.05; Golf Dome Fund \$2,410,26; Aquatic Center Fund \$25.00; Golf Course Fund \$12,596.56; Ice Arena Fund \$3,403.09; Edinborough/Centennial Lakes Fund \$1,942.04; Liquor Fund \$150,390.96; Utility Fund \$404,529.79; Storm Sewer Fund \$521.61; Recycling Fund \$33,958.00; PSTF Fund \$1,367.72; TOTAL \$1,158,994.68.

Motion carried on rollcall vote - five ayes.

ORDINANCE NO. 2007-02 ADOPTED AMENDING COMMERCIAL/INDUSTRIAL WATER

<u>UTILITY RATES</u> Mr. Hughes reminded the Council that in January, the Council adopted a new tiered water rate system for residential properties in order to promote water conservation and allocate the cost of an over-sized system to those whose usage demands it. Due to the volume of water some commercial and industrial properties use, most water used by these customers would be at the highest tier. Under the proposed ordinance amendment, commercial and industrial properties, including schools and churches, would pay 93 cents for 100 cubic feet up to 3,500 cubic feet and \$1.23 per 100 cubic feet for water over 3,500 cubic feet for domestic use.

Following a Council discussion, Member Swenson made a motion adopting Ordinance No. 2007-02, Amending the Commercial/Industrial Water Utility Rate. Member Housh seconded the motion.

Rollcall:

Ayes: Housh, Masica, Swenson, Hovland

Nays: Bennett Motion carried.

FINANCIAL POLICIES APPROVED Mr. Hughes explained the bond-rating agency Standard & Poor's (S & P) released its new Financial Management Assessments Criteria recently. S & P will provide its traditional bond rating, along with an assessment of financial management rated strong, standard or vulnerable. S & P introduced the Financial Management Assessments Criteria to make aspects of its analysis on management more transparent, more specifically those policies and practices critical to credit quality. Documentation provided by the City as well as discussions with management will provide S & P the ability to perform the analysis.

The Finance Department, in order to protect the City's AAA and Aaa bond ratings, recommended tightening some of the City's policies. Mr. Hughes noted the investment policy was adjusted to state the City's objective to mitigate risk with interest rates or credit. Other proposed changes would include additions to the budgetary controls and fund balance policies.

The legal level of budgetary control was at the department level within the General Fund, even though budgetary data was presented at lower levels. Budgetary transfers can be approved by the City Manager with the Council able to approve supplemental appropriations. The City will maintain an unreserved designated fund balance for cash flow at the end of each fiscal year equal to 40 – 45 percent of the subsequent year's budgeted tax revenue. If the designated cash flow falls below the desired range, the City will create a plan to restore the appropriate levels. When the actual amount designated for cash flow falls above the desired range, any excess funds will be transferred to the Construction (revolving) Fund to support capital improvements.

Following a Council discussion, concern was expressed with the Council being notified when funds fall above or below the designated range. Mr. Hughes suggested a sentence be added to the Policy...'in the event that amounts designated for cash flow fall above or below the desired range, the Finance Director shall report such amounts to the City Council.'

Member Housh made a motion approving the Financial Management Policies and Investment Policies as presented. Member Swenson seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland Motion carried.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:17 P.M.

Respectfully submitted,	
	 City Clerk